

**RESOLUTION OF THE TOHONO O'ODHAM LEGISLATIVE COUNCIL**  
**(Requesting Meaningful Consultation with Centers for Medicare and Medicaid Services**  
**Regarding the Imposition of Work Requirements for Medicaid Eligibility)**

**RESOLUTION NO. 18-260**

1 **WHEREAS,** the Constitution of the Tohono O'odham Nation vests the Legislative Council with  
2 the authority to "promote, protect and provide for public health, peace, morals,  
3 education and general welfare of the Tohono O'odham Nation and its members"  
4 and to "consult with the Congress of the United States and appropriate federal  
5 agencies regarding federal activities that affect the Tohono O'odham Nation. . ."  
6 (Constitution, Article VI, Section 1(c)(2) and Section 1(j)); and

7 **WHEREAS,** the State of Arizona's Medicaid system, the Arizona Health Care Cost Containment  
8 System ("AHCCCS") is a "demonstration project," which allows the United States  
9 Secretary of Health and Human Services to waive certain statutory requirements  
10 that would ordinarily apply to state Medicaid plans (42 U.S.C. §1315, Section 1115);  
11 and

12 **WHEREAS,** on October 1, 2015, Arizona submitted a Section 1115 Demonstration Waiver  
13 Proposal, which included a five-year lifetime limit for Medicaid eligibility and a  
14 work requirement for able-bodied adults; and

15 **WHEREAS,** the Nation, along with member tribes of the Inter Tribal Council of Arizona,  
16 opposed the imposition of work requirements and lifetime limits as part of  
17 Arizona's Section 1115 Demonstration Waiver Proposal (Resolution No. 15-233,  
18 Resolution No. 15-469); and

19 **WHEREAS,** under the previous administration, while the Centers for Medicare and Medicaid  
20 Services ("CMS") approved several provisions in Arizona's Section 1115  
21 Demonstration Waiver Proposal, CMS did not approve the five-year lifetime limit  
22 or work requirements; and

23 **WHEREAS,** on April 19, 2017 and January 11, 2018, the current administration issued  
24 guidance to states expressing flexibility for the inclusion of work requirements in  
25 Medicaid demonstration waivers, which raised concerns throughout Indian  
26 Country; and

27 **WHEREAS,** the U.S. Department of Health and Human Services Tribal Consultation Policy  
28 states in part:

29 U.S. Department of Health and Human Services and Indian Tribes share  
30 the goal to establish clear policies to further the government-to-  
31 government relationship between the Federal Government and Indian  
32 Tribes. True and effective consultation shall result in information

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exchange, mutual understanding, and informed decision-making on behalf of the Tribal governments involved and the Federal Government.

; and

**WHEREAS,** to the best of the Committees' information, Arizona and CMS are in discussions regarding the State of Arizona's Section 1115 Demonstration Waiver Proposal, which includes an exemption for work requirements for American Indians, however tribal nations from Arizona have not been consulted nor invited to the discussions; and

**WHEREAS,** on April 12, 2018, Arizona's Governor signed H.B. 2228, legislation that exempted American Indians in Arizona from the imposition of Medicaid work requirements and a five-year lifetime limit in Arizona's future Section 1115 demonstration waiver proposals; and

**WHEREAS,** the Health and Human Services and Appropriations Committees recommend requesting meaningful consultation with the Centers for Medicare and Medicaid Services to reaffirm the government-to-government relationship and to share the negative effects of imposing work requirements for Medicaid recipients in Indian Country.

**NOW, THEREFORE, BE IT RESOLVED** that the Tohono O'odham Legislative Council urges meaningful consultation with the Centers for Medicare and Medicaid Services regarding the imposition of work requirements for Medicaid recipients in Indian Country.

The foregoing Resolution was passed by the Tohono O'odham Legislative Council on the 13<sup>TH</sup> day of JULY, 2018 at a meeting at which a quorum was present with a vote of 3,084.6 FOR; -0- AGAINST; -0- NOT VOTING; and [04] ABSENT, pursuant to the powers vested in the Council by Article VI, Section 1(c)(2) and Section 1(j) of the Constitution of the Tohono O'odham Nation, adopted by the Tohono O'odham Nation on January 18, 1986; and approved by the Acting Deputy Assistant Secretary - Indian Affairs (Operations) on March 6, 1986, pursuant to Section 16 of the Act of June 18, 1934 (48 Stat.984).

**TOHONO O'ODHAM LEGISLATIVE COUNCIL**

  
\_\_\_\_\_  
Timothy Joaquin, Legislative Chairman

13 day of July, 2018

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ATTEST:

  
\_\_\_\_\_  
Evonne Wilson, Legislative Secretary

13 day of July, 2018

Said Resolution was submitted for approval to the office of the Chairman of the Tohono O'odham Nation on the 13 day of July, 2018 at 4:24 o'clock, p .m., pursuant to the provisions of Section 5 of Article VII of the Constitution and will become effective upon his approval or upon his failure to either approve or disapprove it within 48 hours of submittal.

TOHONO O'ODHAM LEGISLATIVE COUNCIL

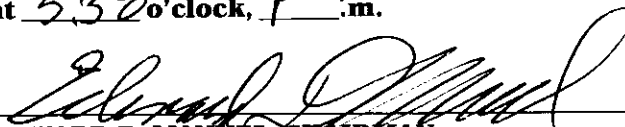
  
\_\_\_\_\_  
Timothy Joaquin, Legislative Chairman

APPROVED

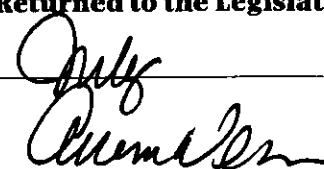
on the 13 day of July, 2018

DISAPPROVED

at 5:50 o'clock, p .m.

  
\_\_\_\_\_  
EDWARD D. MANUEL, CHAIRMAN  
TOHONO O'ODHAM NATION

Returned to the Legislative Secretary on the 16 day of  
July, 2018, at 9:08 o'clock, a .m.

  
\_\_\_\_\_  
Evonne Wilson, Legislative Secretary

**ACTION:** REQUESTING MEANINGFUL CONSULTATION WITH CENTERS FOR MEDICARE AND MEDICAID SERVICES REGARDING THE IMPOSITION OF WORK REQUIREMENTS FOR MEDICAID ELIGIBILITY

**Moved:** COUNCILMAN DANIEL L.A. PRESTON III

**SECOND:** COUNCILWOMAN ADRIANNE TILLER

**DATE:** JULY 13, 2018

DISTRICT	LEGISLATIVE REPRESENTATIVES	# OF VOTES	FOR	AGAINST	NOT VOTING	ABSENT
SIF OIDAK 235.8	1. MARY LOPEZ ( ) 2. LUCINDA ALLEN (Yolonda Garcia)	117.9 117.9	X X			
SELLS 527.2	1. ARTHUR WILSON (Evelyn Juan Manuel) 2. ADRIANNE TILLER (Idaleen Reyes)	263.6 263.6	X X			
SCHUK TOAK 185.7	1. ANTHONY J. FRANCISCO JR. (Teresa F. Donahue) 2. QUINTIN C. LOPEZ (Agnes V. Joaquin)	92.85 92.85	X X			X
SAN XAVIER 232.3	1. DANIEL L.A. PRESTON III (Felicia Nunez) 2. JANICE FELIX ( )	116.15 116.15	X X			
SAN LUCY 231.1	1. JANA MONTANA (Diana Manuel) 2. GLORIA RAMIREZ (Lorraine Eiler)	115.55 115.55	X X			X
PISINEMO 225.9	1. CHESTER ANTONE (Caroline D. Garcia) 2. MONICA K. MORGAN ( )	112.95 112.95	X X			
HICKIWAN 209.0	1. LOUIS R. LOPEZ (Shirley Molina) 2. SANDRA D. ORTEGA ( )	104.5 104.5	X X			X
GU VO 256.9	1. GRACE MANUEL ( ) 2. DALLAS LEWIS ( <i>Absent</i> ) (Nacho Flores) ( <i>Present</i> )	128.45 128.45	X X			
GU ACHI 270.9	1. TIMOTHY L. JOAQUIN (Louis L. Johnson) 2. LORETTA LEWIS (Victoria Hobbs)	135.45 135.45	X X			
CHUKUT KUK 337.7	1. BILLMAN LOPEZ (Patricia Antone) 2. VIVIAN JUAN-SAUNDERS (Juanita Homer)	168.85 168.85	X X			
BABOQUIVARI 372.1	1. FRANCES MIGUEL (Roberta E. Harvey) 2. LEANDER MASE (Francine Schooling)	186.05 186.05	X X			X
<b>TOTAL</b>		<b>3,084.6</b>	<b>3,084.6</b>	<b>-0-</b>	<b>-0-</b>	<b>[04]</b>